

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Business Meeting held December 5, 2006

A regular business meeting of the Lower Paxton Township Board of Supervisors was called to order at 7:33 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; and Robert Grubic, HRG, Inc. Township Engineer.

Pledge of Allegiance

Mr. Blain led the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the October 17, 2006 business meeting, October 31, 2006 special workshop meeting, and the November 21, 2006 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. Mark Levine, 1507 Knollcrest Road, noted that according to the Township's Comprehensive Plan, over the next ten years, 2,500 homes should be built in the Township. He noted that improvements must be made to roads to cover these additional people. He noted that very narrow streets, cul-de-sac, loops, and closed streets are being built. He noted that in the R-1 District, one home per ½ acre is being put on the side burner to permit eight homes per-acre, and the Township is going to become a Township of townhouses.

Mr. Levine noted that he only recalled three developments that have been approved by the Board in the past seven to eight months requiring one home per ½ acre or better, other than

the approval of an additional phase to an existing development. He requested the Board members to consider the accessibility and the width of the roads. He noted that Colonial Road, Goosevalley Road, and Earl Drive are main thoroughfares and are very narrow streets. He noted that he would like the Board members to pay more attention as to what is happening to the Township. He noted that the Township cannot handle all the traffic on the streets that currently exist.

Mr. Hornung noted that, in the past, the Township has widened the streets and it created speed problems. He noted that narrower streets provide for a natural means of traffic calming. He noted that there have been instances where wide streets were narrowed to help calm traffic because wider streets make the traffic go faster. Mr. Hawk noted that the State Planning Board, along with Representative David Stile's are going to review the Commonwealth's infrastructure, and there may be some changes made to the Municipalities Planning Code. He noted that this has been a hamper to local government especially in relation to off-site improvements.

Mr. Blain noted that he did not agree with the initial comment made by Mr. Levine regarding the eight houses per-acre, and the Township becomes a community of townhomes. He noted that the zoning changes have focused on open-space development and initiatives. He noted that this does provide the developers to build more homes on less than ½ acre lots, but it does not increase the density of the tract; allowing more homes to be built closer together on smaller lot sizes, while keeping more green space.

Mr. Eric Epstein, EFMR Monitoring Group, noted that he provides radiation monitoring equipment to Nuclear Power Plants, and recently, five emergency responders were trained to monitor radiation readings using equipment that he donated to the Township and local fire companies. He explained that he wanted to be assured that the local emergency responders would be properly trained to monitor radiation due to the high level of interstate traffic in the

area,. Mr. Epstein noted that his company donated five radiation monitors to the Emergency Operations Center, and a health physicist from Penn State conducted the training. . He noted that the five personnel that participated in the training did a very good job, and the Township now has four monitors to use. He noted that when he is able to secure more equipment, additional training will be provided. He explained that he was happy to donate the training and the equipment to the Township. Mr. Hawk thanked Mr. Epstein for providing these services to the Township.

Chairman and Board Member's Comments

No comments were presented by Board members.

Manager's Report

Mr. Wolfe explained the Township's Greenway Committee is meeting, at this time, in the multi-purpose room. He noted that the Greenway Committee is to work on a year-long planning process to implement a recommendation made in the Comprehensive Plan to provide more pedestrian/bicycle connectivity in the community. He noted that the project is funded, in part, through a Department of Conservation and Natural Resources Grant. He noted that the Greenway Committee has retained a consultant, and the consultant is currently collecting data by way of a community format. He noted that two additional public meetings will be held in February and March of 2007.

Mr. Wolfe noted that the Friendship Community Center (FCC) will be sponsoring a Stop, Drop and Shop events on Sunday, December 10th from 5 p.m. to 8 p.m. He noted that the fees are \$12 for the first child, and \$6 for additional children with pre-registration required. He explained that the purpose of the program is to allow parents to shop while their children are entertained. He noted that pizza would be served to the children.

Mr. Wolfe suggested that gift certificates to the FCC make a very welcome stocking stuffer.

Old Business

Action on bids for construction of certain facilities at Thomas B. George, Jr. Park

Mr. Hawk explained that a bid request was issued more than 60 days ago, and one bid was received for the work. He noted that Rogele, Inc. submitted a bid in the amount of \$429,715.00, and staff and the Township Engineer have reviewed the bid and found it to be complete, but the bid was in excess of the Engineer's estimate by a considerable amount of funds. He noted that the Board members discussed, at previous meeting, if the project should proceed, or if it should be developed in phases. He noted that staff provided a phase schedule for the years 2006 through 2009, and that the phased projects were incorporated into the 2007 Year Budget, as well as the strategic plan for capital out-projects. He noted that by following the new phased schedule, some of the projects contained in the bid are no longer to be completed next year. He noted that it is his recommendation to reject the bid for site improvements at George Park, and authorized the re-advertisement of the activities proposed to be undertaken in the 2007 fiscal year.

Mr. Crissman moved to reject the bid from Rogele, Inc. and authorize the rebid according to the phasing schedule for the year 2007. Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk.

New Business

Preliminary/final subdivision and land development plan For Homestead at Colonial (formerly Colonial Village) (06-10)

Ms. Wissler explained that the purpose of the plan is to re-subdivide the tract into three lots. Lot #2 will be improved with 35 buildings for a total of 163 independent living residences. Lot #1 is to be developed in the future, and Lot #3 will be transferred to the Sheesley Estate. The property, consisting of 30.4075 acres, is zoned R-R, Residential Retirement District and is

located south of Interstate 81 and west of Colonial Road. The streets within the development will be private and the site will be served by public water and public sewer.

Ms. Wissler noted that on August 9, 2006, the Planning Commission recommended approval of the above referenced plan subject to the following: 1) Addressing the comments generated by Township Staff, Township Engineer and Dauphin County Planning Commission; 2) Making the corrections discussed at the meeting, most particularly, a strengthening of Note #25 on the plan to ensure that the left turn from the intersection has the required approvals in the event that the development of Lot #1 results in more than 100 trips in the peak hour. (The developer is limiting the development on Lot #1 to a single-family use.); and 3) The approval was also subject to consideration of having a right-turn-out-only from the road in the development onto Colonial Road at the time the Highway Occupancy Permit is considered by PENNDOT. The plan has been changed to reflect a right-out/right-in/left-in-only.

Ms. Wissler noted that the Planning Commission further stated that it is inappropriate to approve an intersection that is failing at the time of the application, and that the applicant must make corrective action or take other steps to get the intersection to be above failing, and the only way to do that, is to make it right-turn-out-only. The applicant has changed the plan to reflect a right-out/right-in/left-in-only.

Ms. Wissler noted that eight waivers were requested and there are three site specific conditions, six general conditions, and three staff comments.

Ms. Wissler noted that Ron Lucas, Paul Navarro and Eric Kessler are present to represent the plan.

Mr. Crissman noted that number three of the Site Specific Conditions, which is related to HRG, Inc. comments lists the date as October 13, 2006 and questioned if the correct date should be November 30, 2006. Ms. Wissler answered that the November 30th date was correct.

Mr. Hawk noted that there are no comments listed with the eight waiver requests to show staff's support or non-support. Ms. Wissler noted that after speaking with Mr. Grubic, from HRG, Inc., it was determined that staff will support all the waivers.

Mr. Seeds noted that the fifth HRG, Inc. comment refers to placing a note on the plan, and he questioned if it should be added as a condition. Ms. Wissler answered that it would be a condition since it was one of HRG, Inc. comments, and would be incorporated as a HRG condition. Mr. Grubic noted that the condition and the note on the plan would work hand-in-hand to provide the highest degree of protection.

Mr. Seeds noted that HRG's eighth comment states that the Township should confirm that the additional three units added since to the previous plan would confirm that it is consistent with any prior conditions of rezoning. Ms. Wissler answered that the 163 units are consistent with the prior conditions of rezoning.

Mr. Seeds noted that HRG's tenth comment noted the need for a request for an additional waiver of sight triangle requirements. Ms. Wissler noted that this waiver has been requested and is shown as waiver number eight.

Mr. Lucas noted that waiver number eight was not in the original waiver requests, but it was submitted in August, and was recommended for approval by the Planning Commission.

Mr. Crissman requested Mr. Lucas to point to the location where the three additional units would be located. Mr. Kessler noted that he moved the original entrance, at the request of the Township, to the adjacent property, and added three units to offset the costs of the construction. Mr. Navarro noted that the three units are located in the area of original roadway. Mr. Crissman noted that staff has verified that the three additional units meet the necessary zoning requirements.

Mr. Lucas noted that Mr. Kessler will retain ownership of Lot One, and will be limited to a single-family detached dwelling. He noted that he would be happy to add this as a note to the plan. Mr. Kessler noted that there are other existing structures on Lot One, such as the barn, and out houses. He noted that there are four or five existing buildings with a single family use.

Mr. Lucas noted that the waiver request was revised since the workshop meeting, for street widths and sidewalks. He noted that, previously, the plan showed a 28-foot paved area, with a four-foot striped area for a walkway, however, the plan has been revised to show 26-foot paved area, solely for vehicles, with a two-foot roll curb, and outside of the curb a four-foot concrete sidewalk. He noted that the plan increased the vehicular area and added a separate sidewalk outside of the curb.

Mr. Seeds questioned if parking would be permitted on the street. Mr. Lucas answered that that has not been proposed at this time. Mr. Hawk noted that seniors do get visitors. Mr. Seeds noted that he recently measured various streets in the Township, and found that in the Blue Meadow Farms Development, the streets are 24-foot wide, using a slanted curb. He stated that he did not find any vehicles parked along the road, noting that it was during the daytime hours. He noted that each cul-de-sac provides a parking area for vehicles, and that those areas were very accommodating for overflow parking. He noted that he went to other areas of the Township where the roads are only 24-foot wide, and found if someone parks along the curb, two vehicles cannot pass. He noted that if you allow parking on one side of the road, there should be at least a 26 or 27 foot roadway. He noted that the ordinance requires a width of 36 feet, and explained that a 26-foot wide street that allows for parking makes it very tight for two lanes of traffic. He noted that he only found one overflow parking area on the plan and requested that more overflow parking should be required.

Mr. Kessler noted that the homes have two-car garages, and the condominium association requires that the vehicles must be parked in the garage. He noted that this would allow for two off-street parking spaces in the driveway per house, and further stated that there are 40 satellite parking spaces provided on the plan. Mr. Navarro noted that he tried to provide parking areas more centrally located for travelers. Mr. Crissman noted, at the workshop meeting, it was discussed that the only available room was located in the power line right-of-way. Mr. Seeds noted that the parking must be convenient for the residents. Mr. Crissman suggested that there is no available parking for the southeast quadrant of the development. Mr. Navarro noted that in the past, the requirements have been one parking space for every five units. He noted that this plan would require 33 additional parking spaces. Mr. Seeds noted that people will not walk a long distance from a parking area.

Mr. Kessler noted that each unit could accommodate parking for four vehicles, and when the R-R Ordinance was written, it was not written for a regular housing development, but to allow narrow streets as a means of traffic calming. He suggested that he has followed the ordinance, noting that there are 40 overflow parking spaces. He noted that the plan was designed using the R-R district's intent, and a 36-foot wide street is not what is required for this type of development. Mr. Crissman noted that people do not utilize their garages to park their vehicles. Mr. Kessler noted that in the Meadowview Development, for the most part, residents park their vehicles in their garages. He noted that a 26-foot paved cartway would provide for parking on one side of the road, and he would even line one side for parking. Mr. Crissman noted that he was happy with the existing plan with the exception of available overflow parking in the southeast quadrant. Mr. Kessler stated that he would look to provide parking for this area.

Mr. Seeds noted that, in the Chelsey Park Development, they have bump outs at the side of the street where two or three cars can be parked. Mr. Kessler noted that it would not work well

for the design of his streets. Mr. Seeds noted if two foot was added in the roadway width, vehicles could park more comfortably in the streets. Mr. Navarro noted that he had 18 parking spaces initially, and added twelve more. He noted that he could add additional six or eight parking spaces to accommodate the southeast quadrant, and this would provide for 46 to 48 off-street parking spaces. Mr. Seeds noted that people will park on the street instead of walking a distance from a parking area. Mr. Navarro noted that sidewalks would be included in the project.

Mr. Lucas noted that that studies show that if you build wider cartway, it increases the speed of the traffic. He noted that there are no through streets located in the development, and it is not built to serve other developments, only to be used as private streets. He noted that this is significantly difference from other developments. He noted that the idea is to slow traffic in a development, and adding a 36-foot cartway would be counterproductive.

Mr. Kessler noted that Ms. Prah is satisfied with the plan.

Mr. Seeds questioned if additional parking could be found. Mr. Kessler answered that yes, additional parking could be found, but he is trying to keep the impervious coverage to a minimum. He noted that more extra spaces could be added, but it would add extra paving. He noted that the density for the plan is less than 5.5 units per acre, allowing eight units per acre. Mr. Seeds noted that the number of overflow parking spaces is not as important as the convenience for their use by the residents. Mr. Crissman requested that the parking be spread throughout the entire plan. Mr. Kessler questioned how many parking spaces he wanted. Mr. Crissman stated that he did not have a magic number.

Mr. Kessler invited the Board members to attend the public meeting to be held to discuss the Village of Linglestown Project on Thursday, December 7th.

Mr. Seeds questioned if prohibitive signage would be installed for parking. Mr. Lucas noted that this is the first time that this has been discussed. Mr. Navarro noted that it is not

prohibited by any note on the plan at the present time. Mr. Hawk had a concern that there could be problems in the area. Mr. Navarro noted that he is making every effort to keep vehicles from parking on the street, and suggested that more people would park in the overflow areas. Mr. Seeds noted that a 36-foot street provides for vehicles to park comfortably on both sides, and good traffic flow. Mr. Kessler noted that a roll curb is two-foot wide, and would provide for an extra parking area. Mr. Seeds noted that people will not walk a long distance to park.

Mr. Seeds noted that the sidewalks would only be installed on one side of the road. He questioned what side the sidewalks would be installed on. Mr. Kessler questioned Mr. Seeds where he wanted the parking. Mr. Kessler noted that he proposed to place the sidewalks on the side of the street that benefits most of the people and ties together. He noted that this ordinance mandates a maximum slope that is very low for sidewalks, and it was designed for wheelchairs and the disabled.

Mr. Hornung noted that Mr. Kessler would design an attractive plan in order to sell it. He noted that you can never provide enough parking, and typically, he will park on the grass at his sister's home in Blue Meadow Farms. He noted that you can not design for everything, but rather attempt to balance the design to avoid too much impervious coverage to avoid water run off problem.

Mr. Kessler noted that he does not want to raise the cost of the homes to pay for the changes to the plan and make the homes unaffordable.

Mr. Crissman requested Mr. Lucas if he was in agreement with the eight waivers, three site specific conditions, including the extra comment from HRG's letter dated November 30th which would add point number five, the limitation to the single-family dwelling, to the plan, and a fourth site specific condition that there will be additional parking spaces other than what was shown tonight. Mr. Lucas noted that he was in agreement with the requested waivers and the site

specific comments and all comments listed in the HRG, Inc letter dated November 30, 2006, as well as the fourth site specific condition to add additional parking spaces throughout the development. Mr. Crissman questioned if Mr. Lucas was in agreement with the six general conditions, and three staff comments. Mr. Lucas answered that he was.

Mr. Crissman made a motion to accept the preliminary/final subdivision and land development plan for The Homestead at Colonial with the following waivers, conditions, and comments: 1) Waiver of the preliminary plan requirement; 2) Waiver of the requirement that driveways shall be located not less than 40 feet from an intersection; 3) Waiver of the minimum street width requirement of 36' for a minor street. Twenty-four feet with a 4' pedestrian walkway is proposed. The original request was 28' cartway including a 4' pedestrian walkway. The current request is a 26' cartway, not including any pedestrian walkway, 2' rolled curbs on each side and a separate 4' sidewalk on one side; 4) Waiver of the street centerline radius of 275 feet; 5) Waiver of the street vertical curves which requires minimum sight distances for vertical geometry of minor streets; 6) Waiver of sidewalk requirement for minor streets. The original request was that sidewalks be waived on both sides with a 4' striped walkway being on one side of the cartway. The current request is a 4' concrete sidewalk on one side of the private streets separated from the cartway by a 2' rolled curb; 7) Waiver of the vertical curb requirement for minor streets. Slant curb is proposed; 8) Waiver of clear sight triangles requirement. The applicant proposes to place driveways within the clear sight triangles at intersections; 9) Provide sight distances at all intersections; 10) Provide a copy of the agreement with PPL; 11). Plan approval shall be subject to addressing HRG's comment dated November 30, 2006 to include the addendum to add a note to the plan for the single family dwelling; 12) Provide additional parking spread throughout the entire development; 13) Plan approval shall be subject to providing original seals and signatures on the plan; 14) Plan approval shall be subject to the establishment

of an automatically renewable improvement guarantee for the proposed site improvements; 15) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 16) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 17) Plan approval shall be subject to PENNDOT's review and approval of a Highway Occupancy Permit; 18) Plan approval shall be subject to the payment of the engineering review fees; 19) A street/storm sewer construction permit will be required; 20) All signage, including signs associated with the construction of the project, must meet the requirements of the Lower Paxton Township Zoning Ordinance; and 21) The proposed buildings will be required to have a fire protection system per Township requirements.

Mr. Blain seconded the motion.

Mr. Eric Epstein questioned if public comment could be made regarding the plan. He noted that the Stray Winds Neighbors Association (SWAN) registered strong opposition at the Planning Commission meeting, and he wished to make public comment on the motion. Mr. Seeds suggested that it is not legal to speak to the plan once a motion is made and seconded. Mr. Stine noted that he did not know if there were adopted procedures as to when people could speak to a plan. He noted that Mr. Epstein should make comments when the agenda item is discussed. Mr. Hawk noted that he would rather dispose of the motion, but he allowed Mr. Epstein to make public comment.

Mr. Epstein noted that SWAN registered strong opposition to the plan at the Planning Commission meeting. He noted that he has not worked with Mr. Kessler, and Mr. McNally attempted to contact him but he did not get back to SWAN. He noted that SWAN has worked well with Ms. Molinari and Triple Crown Corporation (TCC), and within the macro that SWAN is trying to accomplish with the Township, he noted that it was hard for him to follow the plan as it seems to be very fluid and changing all the time. He noted that, procedurally, he is very

uneasy with this. He noted that there were no plans to conduct a traffic study until the Planning Commission insisted upon it, and there was a lot of resistant from this developer to do a traffic study. He noted that the reason given was that the plan would only add 4.4% to the traffic patterns, but if each new development only added this amount, it eventually all adds up. He noted that the last time he reviewed the plan, it called for 160 units on 30 acres, but the formula uses increased density with more green space. He noted that the developer had no idea how much green space was on the plan, and that was infuriating to SWAN. He stated that he hopes that SWAN will have the same set of rules apply to this plan as what applied to the other two plans. . He noted that SWAN worked with two developers to get, what he thinks, is beneficial to the Township, and TCC has gone out of their way to commit \$1.8 million in off-site road improvements. He noted that he did not know if Mr. Kessler was committing anything in the way of improvements, and that the plan would add traffic load to the area. He noted that he thought that there was a paradigm to work with the developers to seek more open space, and provide more recreational areas. He noted that this was not the case with this plan, and it makes it really hard for SWAN to go back and say lets engage with other developers when they see how this was handled.

Mr. Epstein noted that he had a problem with the 80% age-restricted requirement. He noted that it is totally unenforceable. He noted that the only example of this was the Jackson-Lick Apartments in the City of Harrisburg, and explained this was a nightmare. He suggested that SWAN wants the area to be attractive, and economics should drive a plan, rather it should be driven by the Township's ordinances. He noted that he does not know what is going on with this plan, and he is a little angry about it. He noted that SWAN has committed so much time with the other two developers and there hasn't been any communication with this developer. He noted that the Board must decide if SWAN brings value to the equation, and that SWAN was willing to

support the variances for the other two developers, but he thought the formula was you had to give to get something in return. He noted that this is a frustration that he is experiencing, and he did not know if it resonated with the Board members. He noted that Ms. Molinari and Ms. Greenberg were not looking forward to meeting with SWAN, but it worked out well, just like it did with TCC. Mr. Epstein explained that he was sorry to upset the logistics of the meeting.

Mr. Hawk noted that the Planning Commission approved the plan, and they had similar comments as did the Board members, Township Engineer, and Dauphin County Planning Commission with the traffic issues for Colonial Road. Mr. Epstein noted that he did not agree, since the Township had a paradigm that SWAN tried to follow in spirit and substance which is to engage the developer. He noted that he does not know what the Township is getting in terms of traffic modification, and unless SWAN insisted on it, the Township would not have had a traffic study. He questioned what signal this send to other developers, that you can follow the formula and get a bonus or not follow the formula and get a bonus.

Mr. Epstein noted that it is Mr. Kessler's right not to engage with SWAN. He noted to Mr. Hawk that the issues have not been addressed. He questioned how you would enforce an 80% 20% requirement. He noted that he has never heard of that and that it is insanity. Mr. Epstein suggested that the Board members should think about this before they vote.

Mr. Hornung noted that he was not aware that SWAN was interested in dialoguing with other developers. He suggested that it could bring some added value to some of the plans, and the one thing that is good about SWAN is that they are realistic. He noted that they acknowledge that there are economics in play. He noted that SWAN has been willing to sacrifice and not always get its way, but realize that economics to drive a plan. He noted that this generally ends up with a good product and he was impressed that SWAN, and he is looking forward to working with them in the future. He apologized as he did not realize that SWAN wanted to partake in the

other plans. Mr. Epstein noted that he has shared SWAN's newsletter with the Township. He noted that his members attend every meeting and record minutes. He noted that he has asked SWAN members not to make comments at every meeting, especially since SWAN supports many of the things the Township does. He noted that SWAN attends the Public Safety Committee meetings, and is very interested in the Colonial Road corridor.

Mr. Epstein noted that SWAN is having a meeting on Monday, and when someone asks him why they should continue to engage when people can choose not to engage and get the same results, he suggested that he would not have an answer for this. He noted that there are various items that are unenforceable, and that SWAN offered comments to the Planning Commission, attended various meetings, and he did not know how much more they could do.

Mr. Seeds questioned what SWAN would like to see. Mr. Epstein noted that he would like to have sat down with Mr. Kessler to discuss the plan. He noted that Mr. Kessler could say that he did it the right way by following the requirements of the ordinance, but he wanted to know how he could make SWAN feel more comfortable about the plan. He noted that the Church has concerns and is a member of SWAN. Mr. Kessler stated that Mr. Epstein is a liar. Mr. Kessler noted that he presented SWAN a letter from the Church supporting the project. Mr. Epstein questioned if Mr. Kessler was calling him a liar. Mr. Kessler stated that he did. He stated that he never received a phone call from SWAN. Mr. Epstein noted that Mr. McNally called Mr. Kessler, and that it was Mr. Kessler's right not to respond to the phone call. He noted that there are members in the Church who have concerns, and he explained that he did not know if Mr. Kessler had received a recent letter from the Church that supported the plan. He noted that SWAN meets at the church once a month and some members have concerns regarding the development. Mr. Epstein noted that in his 25 years of public life, no one has ever called him a liar so Mr. Kessler would need to retract his statement. He noted that his integrity is his currency

and it is everything to him. He noted that SWAN asked Mr. Kessler to reach out and he did not respond. Mr. Hornung interrupted stating that the meeting must maintain some type of decor. Mr. Epstein noted that he keeps copies of all his email, and that SWAN created a paradigm to work together and it is Mr. Kessler's option to choose not to do this. He questioned how he could go back to SWAN and explain why they should volunteer countless hours if the developers won't cooperate.

Mr. Epstein noted that he would return to his seat, but he did not know if the Board members might want to postpone their votes. He noted that SWAN would continue to work with the Board members.

Mr. Hawk called for a roll call vote for the question: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, nay; Mr. Seeds, aye; and Mr. Hawk, nay.

Preliminary/final land development plan for Candlewood Suites New 93-Room Hotel (06-32)

Ms. Moran explained that the purpose of this plan is to construct a three-story 93 room (49,908 square feet) hotel. The property is located on the northwest corner of the intersection of North Mountain Road and Lockwillow Avenue. There are no plans to access the hotel from Mountain Road. However, the proposed Lockwillow Avenue driveway will align with the Country Oven driveway on the opposite side of Lockwillow Avenue. The property is zoned CN, Commercial Neighborhood, consists of 4.331 acres, and will provide public sewer and public water.

Ms. Moran noted that on October 11, 2006, the Planning Commission recommended approval of the plan. She noted that on November 6, 2006, this plan was presented to the Board of Supervisors for approval. At that time, the Board requested an analysis of the impact that the proposed hotel would have on the adjacent signalized intersection of North Mountain Road and North Lockwillow Avenue. Additional information has been provided from Grove Miller

Engineering regarding a left turn phase for northbound travel on North Mountain Road. This information is summarized in the letter from Dauphin Engineering contained in the packet. She noted that the letter confirms an \$11,000 contribution from the developer for future installation of the left-turn phase on Mountain Road.

Ms. Moran noted that the applicant has requested the three waivers, and there are eight general conditions and two staff comments.

Mr. Staub noted that the Board members have requested a traffic assessment of the signalized intersection located at Mountain Road and Lockwillow Avenue. He noted that Grove Miller Engineering, Inc. prepared the study and the results were to upgrade the signal for the northbound left-turn lane from Mountain Road to Lockwillow Avenue to a protected movement. In addition to this, the southbound ramp on Mountain Road to Lockwillow Avenue would be controlled with the Yield Sign. He noted that the developer has agreed to fund the improvement to the signal.

Mr. Staub noted that he believed that the comments from the Township Engineer have been addressed.

Mr. Seeds noted that the traffic study showed the need for a turn arrow north on Mountain Road for the left to Mountain Road at this time. Mr. Staub noted that there is a Yield Sign for the southbound traffic on Lockwillow Avenue, but when the arrow is installed, the traffic needs to be unrestricted for flow, and therefore, the signage would change to the southbound ramp to Lockwillow Avenue from Mountain Road. He noted that the study recommended that some minor changes be made to the traffic signal. He noted that the traffic light at Blue Bird Avenue and Mountain Road operates at a level of service "E" in the pm peak, and for the design year, 2017, the timing to the change for the pm peak on Blue Bird Avenue will

go from a level of service “E” to a level of service “D”. He noted that minor modifications to the traffic signal will improve the intersection.

Mr. Seeds noted that the problem at this time is crossing from Lockwillow Avenue to Blue Bird Avenue. He questioned if there were suggestions for turn arrows for this location. Mr. Staub answered that no suggestions have been made at this time. Mr. Hornung noted that there are never any accidents involving traffic that cross over Mountain Road, rather the accidents are due to the drivers failing to see the traffic signal coming from the I-81 who strike other vehicles coming across Mountain Road. He noted that there is a misalignment at the intersection, but he noted that the installation of the strobe lights has made a huge improvement. He noted that most accidents result in northbound traffic on Mountain Road. He noted that he did not know if it would improve the safety issues by realigning the roads, and this would be very difficult to do due to the topography of the area. He suggested that the listed changes should create a safer intersection.

Mr. Seeds noted that comment number 17 from HRG, Inc. concerned the storm drainage and it was removed from the current set of comments. He noted that there were questions about the size of the pipes in that location, and whether the size of the pipes could handle the additional flows. Mr. Staub noted that two analyses were completed, the first showing that this project would be adding half the water peak flow into the system post construction as opposed to the current condition, and the second analysis showed that if the pipe was flowing full, the basin would still function to detain the water on site. He noted that the basin would discharge the water in a slow fashion, and the site would be controlled.

Mr. Seeds questioned if the Dauphin County comments should be included in the General Conditions. Ms. Moran noted that those comments were previously addressed.

Mr. Crissman questioned if Mr. Staub was in agreement with the three waiver requests, and the eight general conditions, to include Mr. Snyder's memo dated December 1, 2006 listing 14 comments. Mr. Staub noted that he was in agreement with the waivers and general conditions with the exception of comment number 10 from Mr. Snyder's letter. He noted that the comment requested the location of the entire existing storm sewer and he would prefer not to do this. He noted that it would involve the removal of trees, and most of the storm sewer is located in an existing wetland, and it also straddles a property line. He noted that although there is an easement, he would disturb the neighbor's property and part of her pool. He noted that he did dig up a portion of the storm sewer at the connection point, so the exact invert is known at that location. He suggested that it is not necessary to do all the other location work to expose the entire pipe. Mr. Grubic noted that he discussed this issue with Mr. Staub prior to the start of the meeting. The run off from Candlewood is being detained and there will be no adverse impact on downstream property owners, recognizing that there have been preexisting problems in that location. He noted that he wanted to determine the inverts to the fullest extent possible to which the discharge is being connected. He noted that the work that Mr. Staub did in uncovering the pipe and establishing the fact that the slope represents the more minimal slopes on the entire pipeline, satisfied his comments. Mr. Crissman noted that he wanted to ensure that the comment is recorded accurately for the minutes. Mr. Grubic noted that the condition should read that the note to the plan should read that Comment number 10 has been satisfied through Mr. Staub's additional work and explanation. Mr. Crissman questioned if Mr. Staub was in agreement with this. Mr. Staub noted that he is in agreement with all the other comments as well. Mr. Crissman questioned Mr. Staub if he was in agreement with the two staff comments. Mr. Staub answered that he was.

Mr. Mark Levine, 1507 Knollcrest Road, noted that he spoke with Mr. Staub after the last meeting at which the plan was tabled. He noted that he was very impressed with Mr. Staub. He noted that, as a member of SWAN, he distributed his notes regarding this project to the SWAN membership with the recommendation that he thought that the plan was very good. He noted that he received no comments from the SWAN membership.

Mr. Levine noted that, speaking for himself, at a prior meeting, a resident complained about the location of a dumpster from a commercial project that abuts his property north of Linglestown Road. He suggested to Mr. Staub to move the dumpster location closer to the commercial property at Forte Music. He noted that dumpsters attract odors, bees and rodents and it would be better to move it further away from the residences. Mr. Staub noted that he could accommodate this request and that it made sense to do so.

Mr. Crissman made a motion to accept the preliminary/final land development plan 2006-32 for the Candlewood Suites new 33-room three-story hotel with the following requested waivers: 1) Waiver of the preliminary plan requirement; 2) Waiver of the placement of sidewalk at the right-of-way line of North Lockwillow Avenue. (This would allow for alignment to the adjoining sidewalk system); 3) Requirement of low flow channels and underdrain within the detention basin; 4) Plan approval shall be subject to providing original seals and signatures on the plan; 5) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 6) Plan approval shall be subject to the payment of the engineering review fees; 7) Plan approval shall be subject to the Dauphin County Conservation District's review and approval of an Erosion & Sediment Control Plan; 8) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 9) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 10) Plan approval shall be subject to obtaining the necessary

permits required by Federal and State agencies for the disturbance of wetlands; 11) Plan approval shall be subject to addressing all comments of Jim Snyder's memo dated December 1, 2006; 12) Prior to the erection of any signage, sign permit review and approval is required; and 13) A street/storm sewer permit is required for construction of storm water facilities.

Mr. Hornung requested Mr. Crissman to add one condition to the motion. He noted that the donation of \$11,000 to the Traffic Light improvements should be added. Mr. Crissman amended his motion to add this condition.

Mr. Hornung seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary/final subdivision plan for Rosewood (06-26)

Ms. Moran explained that the Township has received a plan for the subdivision of thirty-three building lots, and the development of a residential cluster located at the intersection of Colonial Road and Earl Drive with frontage on the south side of Earl Drive. The property consists of 19.8349 acres and will be served by public sewer and public water. The plan proposes 33 units; 17 single family dwellings, 5 doubles (10 units) and 2-three packs (6 units). This property was rezoned (Ordinance 06-04) by the Board of Supervisors at its August 1, 2006 meeting from R-O Research Office District to R-1, Low Density Residential District with a (R-C) Residential Cluster Overlay.

Ms. Moran noted that on October 26, 2006, the Zoning Hearing Board heard variance requests for minimum land area requirements with regard to the steep slope district and minimum lot area requirements for some of the duplex and three pack dwelling units. The Zoning Hearing Board granted the requested variances.

Ms. Moran noted that on November 8, 2006, the Planning Commission recommended approval of the plan and requested waivers with the following adjustment: minor street width

requirement on Caden Way be a minimum of 32' instead of 30', and that the detention basin on Lot 36 be resized to include runoff from Lot 35.

Ms. Moran noted that the applicant has requested six waivers, and there are eight general conditions and one staff comment.

Ms. Moran noted that Ms. Molinari, Ms. Greenberg and Mr. Jeff Staub are present to represent the plan.

Mr. Hawk noted that HRG's comments show that they have been acknowledged by staff except for comments number nine, fourteen and nineteen. Ms. Moran explained that Mr. Staub would like to speak to the Board members regarding comment number nine; Ms. Molinari would like to speak about comment number fourteen; and Mr. Grubic stated that comment number nineteen is not necessary since less water is added than what was pre-existing, therefore, that comment is not necessary. Mr. Grubic noted that this comment has been satisfied.

Mr. Seeds questioned if the recommendation from the Planning Commission that the detention basin on Lot 36 be resized to include runoff from Lot 35 has been changed on the plan. Ms. Moran noted that this was taken care of.

Mr. Seeds questioned if the waiver from the street width from 36 feet to 32 feet also includes plans for parking on either side of the roadway. Ms. Molinari noted that Mr. Staub would answer this question. Mr. Seeds questioned the waiver that a driveway not be located within 10 feet from a catch basin, drain inlet or fire hydrant. Mr. Seeds noted that he never saw a fire hydrant included in this type of waiver and that he would not want to locate a fire hydrant within 10 feet of a driveway. Ms. Moran noted that this is how the ordinance reads, therefore it was included in the listing of prohibited items.

Mr. Hornung questioned if there were any drain inlets in a driveway. Mr. Staub answered that there are no inlets in a driveway, but there are several inlets that fall within ten feet of a

driveway. Mr. Seeds noted that, in one development, two inlets were actually installed at the entrance to a driveway and it was a problem. Mr. Staub noted that no fire hydrants would be installed closer than ten feet from a driveway.

Mr. Staub noted that comment number nine of HRG's letter of December 1, 2006 has become an issue because when he submitted the rezoning request nature trails were shown in the open space area. He noted that the new open space ordinance requires that nature trails be handicapped accessible which is not a possibility given the topography for the area. He explained that he removed the nature trails from the plan, therefore, there will be no disturbance in the wetlands, and no need for DEP or the U.S. Army Corps of Engineers approval. He noted that access to the open space will be provided by way of Caden Way, by way of a public access. He noted that paths may be installed at a later date, but there will be no paved pathways. Mr. Seeds questioned if this satisfied the engineer's comments. Mr. Grubic noted that it would satisfy the comment, and he stated that the ordinance is a little unclear in that it requires accessibility but not usability. Mr. Staub suggested that a small change needs to be made to the ordinance for the language for that part of the ordinance.

Mr. Staub noted that regarding comment number fourteen, there are no facilities to be maintained in the open space area, and that it would be left in a natural condition and he did not know what language would need to be put into the homeowner's agreement to cover this. Mr. Hornung noted that his inclination would be to leave the area natural as suggested. Mr. Staub noted that there would be nothing to maintain. Mr. Grubic noted that he had a concern that the homeowner's agreement adequately addressed the maintenance of the open space and common areas, and he recommended a blanket statement that the Township Attorney reviews all homeowners' agreements to ensure that they are consistent to minimize the chance of problems from occurring in the future. Mr. Hornung noted that this was a good point, and some language

should be included that preventative maintenance such as dumping problems, or an accumulation of debris would be cleaned on a periodic basis. Ms. Molinari noted that she would revised the agreement and get a copy to staff as soon as possible.

Mr. Seeds questioned if comment number nineteen was covered. Mr. Hawk noted that Mr. Grubic already addressed this comment.

Mr. Eric Epstein noted that SWAN has meet with Ms. Molinari and Ms. Greenberg several times and SWAN formally supported this plan. He noted that the plan provides for 42% open space with 33 units on 19.88 acres with high quality units. He noted that SWAN is trying to increase the tax base without impacting the School District as well. He noted that he met with the developers regarding the nature trail and agreed that it would be good to leave it as it is. He noted that SWAN had a concern that some nature trails could facilitate erosion since this area has many water issues. Mr. Epstein noted that Mrs. Prah also supports the plan.

Ms. Molinari noted that she would like to thank SWAN, noting that they are a tremendous asset to the plan and she suggested that other developers should work with SWAN to develop their plans.

Mr. Seeds questioned if the Dauphin County Planning Comments have been addressed. Mr. Hawk noted that it was stated by Mr. Moran that they were addressed.

Mr. Crissman questioned if Mr. Staub agreed to the six waiver requests, eight general conditions, including the letter from Jim Snyder, HRG, Inc. dated December 1, 2006, and the one staff comment. Mr. Staub stated that he did.

Mr. Crissman made a motion to approve the preliminary/final subdivision plan for Rosewood 2006-26 with the following wavier requests and general conditions and staff comments: 1) Waiver Preliminary plan requirement; 2) Waiver of the minor street right of way width requirement from 60 to 50 feet and minor street width requirement from 36 feet to 32 feet; 3)

Waiver of the horizontal curve radius requirement for minor streets from 275 feet to 150 feet for two curves on Caden Way and from 275 feet to 150 feet for one curve on Peyton Cove; 4) Waiver of the requirement that driveways shall not be located within 10' from a catch basin, drain inlet or fire hydrant; 5) Waiver of the sidewalk and curb requirements along the frontage of Colonial Road; 6) Waiver of the cul-de-sac requirement of a paved turnaround with a minimum radius of fifty feet (50') for Caden Way; 7) Plan approval shall be subject to providing seals and signatures on the plan; 8) Plan approval shall be subject to Lower Paxton Township Sewer Authority's review and approval of the sanitary sewer design; 9) Plan approval shall be subject to the payment of the engineering review fees; 10) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 11) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for proposed site improvements; 12) Plan approval shall be subject to Dauphin County Conservation District's review of the Erosion and Sedimentation Plan; 13) Plan approval shall be subject to the payment of fee-in-lieu for the newly created lots, (33 lots X \$2300 = \$75,900.00); 14) Plan approval shall be subject to addressing all comments of Jim Snyder, HRG, Inc. memo dated December 1, 2006; and 15) A street/storm sewer construction permit is required for construction of stormwater facilities.

Mr. Hawk seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 06-43; Planning Module for Colonial Village

Mr. Crissman noted that the name needs to be changed for this development to The Homestead at Colonial. Mr. Wolfe explained that there is an inability to change the name with DEP without resubmitting a new planning module. He noted that the planning module goes with the plan, and the plan has not changed.

Mr. Crissman made a motion to adopt Resolution 06-43; Planning Module for Colonial Village. Mr. Hawk seconded the motion, and a unanimous vote followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were four Improvement Guarantees.

Country Inn & Suites

A new letter of credit with Orrstown Bank in the amount of \$159,000.00 with an expiration date of November 15, 2007.

Hathaway Holdings, LLC

A reduction in a letter of credit with The First National Bank of Marysville in the amount of \$2,805.00 with an expiration date of March 30, 2007.

New One Story Office Building

An extension and increase in a letter of credit with Lebanon Valley Farmers Bank in the amount of \$15,918.10 with an expiration date of January 9, 2008.

Willow Brook, Phase III

An extension and increase in a letter of credit with Fulton Bank in the amount of \$32,245.89 with an expiration date of December 28, 2007.

Mr. Crissman made a motion to approve the four listed Improvement Guarantees as presented. Mr. Hornung seconded the motion, and a unanimous voice vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting.
Mr. Blain seconded the motion and the meeting adjourned at 9:27 p.m.

Respectfully submitted,

Maureen Heberle

Approved by:

Gary A. Crissman
Township Secretary